

identifying a packet to be communicated to the communication terminal by the selected base station. Also, the transmission system includes a base station that determines whether it is the selected base station, using the communicated information identifying the selected base station, and communicates a packet identified by the communicated packet identifying information to the communication terminal. The claimed subject matter supports synchronizing the transmit order of packets among base stations and providing the base stations with a packet scheduling function (see specification page 9, line 27, through page 10, line 3).

The Final Rejection proposes that Mohebbi discloses the above-mentioned features of claim 38 in column 4, lines 34-52 (see Final Rejection page 3, last paragraph). However, it is submitted that Mohebbi does not describe any structure or capability of a base station in the cited text; instead, Mohebbi discloses the functionality of a mobile station.

Subsequently, Mohebbi discloses a base station controller that identifies a selected base station, based on information received from a mobile station (see Mohebbi col. 4, lines 53-65).

Upon identifying the selected base station, Mohebbi's base station controller transmits a next packet to the selected base station for forwarding to the mobile station (see col. 4, line 61, through col. 5, line 2).

However, Mohebbi does not disclose communicating packet identifying information from a mobile station to a base station and, thus, *per force* cannot disclose communicating a next packet identified by received packet identifying information from the base station to the mobile station. And it follows that Mohebbi would not disclose these features because Mohebbi's base station controller is the only device that schedules the transfer of a packet to the mobile station via a selected base station. Thus, Mohebbi's base station controller never becomes uncertain as to which packets have been transferred and which have not.

By contrast to Mohebbi's disclosure, the Applicants' claimed subject matter distributes the packet scheduling functionality among a plurality of base stations. Because each base station has no direct knowledge of the packets other base stations have sent to a communication terminal, the claimed communication terminal informs each of the base stations which packet is to be sent next and the claimed base station communicates the identified packet. It is submitted that Mohebbi fails to disclose these features.

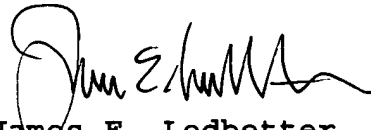
Accordingly, the Applicants submit that Mohebbi does not anticipate the subject matter defined by claim 38. Independent claim 46 similarly recites the above-mentioned features distinguishing apparatus claim 38 from the applied references,

but does so with respect to a method. Independent claims 43 and 44 recite the above-mentioned distinguishing features of the base station apparatus and communication terminal apparatus, respectively. Therefore, the rejections applied to claims 40 and 41 are obviated and allowance of claims 38, 43, 44, and 46 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



James E. Ledbetter  
Registration No. 28,732

Date: February 15, 2008  
JEL/DWW/att  
Attorney Docket No. 009289-02130  
Dickinson Wright PLLC  
1901 L Street, NW, Suite 800  
Washington, DC 20036  
Telephone: (202) 659-6963  
Facsimile: (202) 659-1559